

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**SCOTT EASOM, ADRIAN HOWARD, and
JOHN NAU, on behalf of themselves and on
behalf of all others similarly situated,**

Plaintiffs,

V.

US WELL SERVICES, LLC

Defendant.



CIVIL ACTION NO 4:20-CV-02995

DEFENDANT'S RULE 26(a)(1) INITIAL DISCLOSURES

Defendant, U.S. Well Services, LLC (“USWS” or “Defendant”), by and through its undersigned counsel, hereby submits its Initial Disclosures pursuant to Federal Rule of Civil Procedure 26(a)(1), which includes those witnesses and documents that are known to Defendant at this point in the litigation. USWS reserves the right to amend and supplement each of the responses contained in its Initial Disclosures in accordance with the Federal Rules of Civil Procedure. USWS does not concede the relevancy of any information contained in and/or derived from its Initial Disclosures and expressly reserves its right to object to the admissibility of any material contained in any document or testimony of any witness identified below. These disclosures are submitted without waiver of any applicable privilege or protection from disclosure, such as the attorney-client privilege and the attorney work-product doctrine.

I. The name, and, if known, the address and telephone number of each individual likely to have discoverable information that Defendants may use to support their claims or defenses, unless the use would be solely for impeachment:

1. Scott Easom
608 Brussel Drives
College Station, TX 77845
Through his Attorneys of Record

Knowledge: Plaintiff. Has information as to the allegations asserted in the Complaint and Amended Complaint and his purported claims.

2. Adrian Howard
Address unknown
Through his Attorneys of Record

Knowledge: Plaintiff. Has information as to the allegations asserted in the Complaint and Amended Complaint and his purported claims.

3. John Nau
Address unknown
Through his Attorneys of Record

Knowledge: Plaintiff. Has information as to the allegations asserted in the Complaint and Amended Complaint and his purported claims.

4. Matt Bernard
Consultant
U.S. Well Services, LLC
1360 Post Oak Boulevard
Suite 1800
Houston, TX 77056
Through his Attorneys of Record

Knowledge: Has information regarding USWS operations and the unforeseen consequences of COVID-19 and collapsing oil prices during the period alleged in the Complaint/Amended Complaint and the resulting employment decisions made by USWS.

5. Joel Broussard
Chairman of the Board
U.S. Well Services, LLC
1360 Post Oak Boulevard
Suite 1800
Houston, TX 77056
Through his Attorneys of Record

Knowledge: Has information regarding USWS operations and the unforeseen consequences of COVID-19 and collapsing oil prices during the period alleged in the Complaint/Amended Complaint and the resulting employment decisions made by USWS.

6. Kyle O'Neill
President & Chief Executive Officer
U.S. Well Services, LLC
1360 Post Oak Boulevard
Suite 1800
Houston, TX 77056
Through his Attorneys of Record

Knowledge: Has information regarding USWS operations and the unforeseen consequences of COVID-19 and collapsing oil prices during the period alleged in the Complaint/Amended Complaint and the resulting employment decisions made by USWS.

7. Dean Fullerton
Vice President of HR, HSE & DOT
U.S. Well Services, LLC
1360 Post Oak Boulevard
Suite 1800
Houston, TX 77056
Through his Attorneys of Record

Knowledge: Has information regarding USWS operations and the unforeseen consequences of COVID-19 and collapsing oil prices during the period alleged in the Complaint/Amended Complaint and the resulting employment decisions made by USWS.

8. Dr. Charles F. Mason
H. A. "Dave" True, Jr. Chair in Petroleum and Natural Gas Economics
University of Wyoming – Department of Economics/College of Business
Laramie, WY 82071
(307) 766-2175

Knowledge: Has information regarding the global oil market and the consequences of COVID-19 and collapsing oil prices during the period alleged in the Complaint/Amended Complaint.

9. Any expert witness consulted with or retained by Plaintiff in conjunction with any claims in this lawsuit.
10. Any witness listed or identified by any party in response to Interrogatories, Requests for Production of Documents, Requests for Admissions, or any other forms of discovery, including initial disclosures or depositions, in the Pre-Trial Order, and/or called at trial by any party.
11. Any witnesses identified in statements produced in discovery and/or pursuant to subpoenas and/or authorizations executed by any party that relate to Plaintiff's claims.
12. Any witness necessary to identify and/or authenticate documents and records that relate to the claims, issues, and defenses involved in this case.
13. Any representative(s) of any current employers of Plaintiff.
14. Any witness listed by any party that may be relevant to Plaintiff's claims and/or Defendant's defenses.
15. Defendant reserves the right to supplement these initial disclosures as additional information regarding witnesses is obtained through discovery.

II. Documents, data compilations and tangible things that may be used to support Defendant's claims or defenses, unless solely for impeachment:

1. U.S. Energy Information Administration, *Excerpt of Cushing, OK WTI Spot Price FOB* December 2019 – October 2020), <https://www.eia.gov/dnav/pet/hist/RWTCD.htm>.
2. Documents from Plaintiffs' personnel file.
3. USWS job descriptions for Plaintiffs and any putative class member.
4. Payroll records for Plaintiffs, reflecting employment earnings of Plaintiff while employed with Defendant and other documents related to Plaintiff's compensation.
5. Earning Statements – David Eason (D_000001 – D_000068).
6. Earning Statements – Adrian Howard (D_000069 – D_000136).
7. Earning Statements – John Nau (D_000137 – D_000179).
8. Documents relating to other lawsuits, litigation, or court or administrative proceedings to which any Plaintiff was a party.

9. Documents, reports or statements (whether recorded and/or written) concerning or relating to Plaintiffs' claims, in the possession of Plaintiffs and/or Defendants and/or third parties.
10. Communications between Plaintiffs and any Defendant and/or former or present employee of Defendant that relate to Plaintiffs' claims, in the possession of Plaintiffs and/or Defendant.
11. Documents relating to Plaintiff's employment history, including any employment prior to, subsequent to, or concurrent with Plaintiffs' work with Defendant, in possession of Plaintiffs and/or Plaintiffs' current/former employer(s).
12. Federal and state income tax returns filed by Plaintiffs, along with supporting documentation in possession of Plaintiffs, the Internal Revenue Service, and/or State Department of Revenue.
13. Documents reflecting any unemployment compensation received by Plaintiffs during the six month period following separation from employment with USWS.
14. For each Plaintiff, and putative class member, documents showing any money or benefits received from the federal government which were related to the COVID-19 pandemic, including but not limited to money or benefits received under the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), the COVID-related Tax Relief Act of 2020, or the American Rescue Plan Act of 2021.
15. Documents reflecting any monies or benefits received by Plaintiffs from any state government during the six month period following separation from employment with USWS.
16. Documents concerning any communications between Plaintiffs and any putative class members or any other person or entity concerning the subject matter of the Complaint/Amended Complaint, including, but not limited to, communications with USWS or any former USWS employee (excluding any privileged communications with counsel).
17. Any documents supporting or showing that Plaintiffs and/or any putative class members have suffered damages and/or the same damages.
18. Contents of any notebooks, journals, calendars, or diaries of Plaintiffs with pertinent information or items regarding Plaintiffs' claims, in the possession of Plaintiffs.
19. Any document produced by Plaintiffs in connection with discovery or concerning Plaintiffs relating to Plaintiffs' claims that is received through third-party subpoenas.

20. Any documents, data compilations, and tangible items identified or revealed by Plaintiffs in initial disclosures, in any pre-trial pleading or written discovery, including depositions, that may relate to Plaintiffs' claims.
21. Social Security records of Plaintiffs, in possession of Plaintiff and the Social Security Administration.
22. Documents relating to Plaintiffs' contingency fee agreement between Plaintiffs and Plaintiffs' counsel, in possession of Plaintiffs and any records concerning Plaintiffs' fees and costs incurred in prosecuting this lawsuit.
23. All documents supporting Plaintiffs' claims for liability and damages in the possession of Plaintiffs and/or others, including but not limited to, audio recordings, documents, information, e-mail and/or electronically stored information ("ESI") which e-mail and ESI will be made available either in their native format or as digital image files.
24. All social media posting by Plaintiffs relating in any manner to their claims.
25. Any other documents obtained through discovery relating to Plaintiffs' claims.
26. Any document in the public record regarding Plaintiffs relating to Plaintiffs' claims and alleged damages.
27. Any document in the public record regarding any potential witness who has facts relevant to Plaintiffs' claims.
28. Any documents relating to financial information of Plaintiff, including, but not limited to Plaintiff's earnings (past and present) in the possession of Plaintiff and/or third parties.
29. International Energy Association, *Oil Market Report – January 2020*, <https://www.iea.org/reports/oil-market-report-january-2020>.
30. Petroleum Economist, *Oil Demand to Rebound in 2020*, (January 3, 2020), <https://www.petroleum-economist.com/articles/markets/trends/2020/oil-demand-to-rebound-in-2020>.
31. International Energy Association, *Global Oil Demand to Decline in 2020 as Coronavirus Weighs Heavily on Markets* (March 9, 2020), <https://www.iea.org/news/global-oil-demand-to-decline-in-2020-as-coronavirus-weighs-heavily-on-markets>.
32. Reuters, *Oil Firm BJ Services Files for Chapter 11 Bankruptcy* (July 20, 2020), <https://www.reuters.com/article/us-bj-services-bankruptcy-urgent/oil-firm-bj-services-files-for-chapter-11-bankruptcy-idUSKCN24L0HN>.

33. March 18, 2020 Letter from USWS District HR Administrator Donna Boyd to David Eason.
34. March 18, 2020 Letter from USWS Regional HR Manager Michelle Rohmfeld to Adrian Howard.
35. March 18, 2020 Letter from USWS Regional HR Manager Michelle Rohmfeld to John Nau.
36. Earning Statements – David Eason (D_000001 – D_000068).
37. Earning Statements –Adrian Howard (D_000069 – D_000136).
38. Earning Statements – John Nau (D_000137 – D_000179).
39. March 2020 e-mails from USWS clients (D_000388 – D_000393).
40. March 6, 2020 e-mail from Dean Fullerton to USWS employees (D_000394).
41. March 6, 2020 Memo from Nathan Houston to USWS employees (D_000395).
42. March 19, 2020 Memo from Joel Broussard to USWS employees (D_000396).
43. March 26, 2020 e-mail to Joel Broussard Re: Oil’s Global Demand Collapse (D_000398 – D_000409).
44. March 13, 2020 e-mail to USWS management Re: Flu Fear on the Frac Site (D_000410 -D_000415).
45. March 6, 2020 e-mail from Dean Fullerton to USWS employees Re: Reduction in Force in Texas (D_000419 – D_000422).
46. March 11, 2020 e-mail from Dean Fullerton Re: Confidential – Pending Action Review (D_000183).
47. March 12, 2020 e-mail from Joel Broussard (D_000184 – D_000185);
48. March 13, 2020 e-mail from Dean Fullerton Re: Review of DOT Structure/Positions (D_000186 – D_000188).
49. March 13, 2020 e-mail from Kyle O’Neill Re: Ops issues due to virus (D_000189 -D_000194).
50. March 17, 2020 e-mail from Adam Klein Re: USWS Update (D_000195 – D_000196).

51. March 19, 2020 e-mail from Dean Fullerton Re: Draft of workforce reduction release (D_000197 – D_000199).
52. March 9, 2020 e-mail from USWS customer (D_000283 -D_000284).
53. March 25, 2020 e-mail from Mark Golden Re: Loss of work for USWS (D_000285).
54. March 12-20, 2020 e-mails Re: Loss of work for USWS (D_000285 - 00288).
55. March 25, 2020 e-mail from Mark Golden Re: Loss of work for USWS (D_000289).
56. March 16-21, 2020 e-mails Re: Efforts to retain work for USWS (D_000292 – D_000294).
57. March 20, 2020 USWS News Release Re: Workforce Reduction and Cost Cutting Initiatives (D_000295 – D_000296).
58. August 5, 2020 USWS News Release Second Quarter Financial and Operational Results (D_000297-D_000306).
59. November 5, 2020 USWS News Release Third Quarter Financial and Operational Results (D_000307 - D_000316).
60. U.S. Securities and Exchange Commission Form 10-Q (D_000317 – D_000367).
61. Q1 2020 USWS Earnings Call (D_000368 – D_000374).
62. Q2 2020 USWS Earnings Call (D_000375 – D_000380).
63. Q3 2020 USWS Earnings Call (D_000381 – D_000387).
64. Any and all documents previously disclosed and/or produced by Defendants in this litigation.
65. Defendant reserves the right to supplement these initial disclosures as additional information regarding documents, data compilations and tangible things is obtained through discovery.

III. Computation of Any Category of Damages Claimed

Defendant's damages consist of reasonable attorneys' fees and costs incurred in responding to this lawsuit. No computations of this category of damages claimed have yet been made.

IV. Applicable Insurance Agreements

Defendant has no insurance agreement under which any person might be liable to satisfy a judgment.

Respectfully submitted,

PHELPS DUNBAR LLP

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**ATTORNEYS FOR DEFENDANT U.S. WELL
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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing instrument has been served on all counsel of record via e-mail transmission, as previously agreed by the parties, on August 8, 2022.

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